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June 29, 2014

**BY ECF and E-MAIL**

Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: U.S. v. Bonventre, et al., 10 Cr. 228 (LTS)**

Dear Judge Swain:

On behalf of George Perez, we write in brief response to the Government's letter dated June 25, 2014, proposing a revised schedule for submissions on the issue of forfeiture.

We have no objection to the Government filing its submission on forfeiture next week (although it originally had until two weeks before sentencing to do so). However, we oppose the Government's requests that the defendants' submissions be due one week later, on the same day as our sentencing submissions. While the Government describes this parallel scheduling as "convenient," it is in fact anything but that for defense counsel. Indeed, we intend to spend virtually all of our time between now and July 9th (the date that our sentencing submission is due) working on supporting our objections to the PSR and on our extensive sentencing submission on behalf of Mr. Perez. It is simply impossible for us to take time out of that already tight schedule to prepare a detailed submission on forfeiture. Indeed, we note in this regard that approximately two weeks ago, the Government injected an entirely new forfeiture issue into the case, by announcing to us its preliminary intention to seek to forfeit Perez's home, where he lives with his wife and two young daughters (purchased in 2001). This property has never before been the subject of any forfeiture proceedings, and requires extensive time on our part to gather the facts necessary to show that forfeiture of the home is both legally and factually unsupported and unwarranted. (We have asked the Government to reconsider its position in this regard, but it has not yet responded to this request.)

Accordingly, we ask that we have until at least July 16<sup>th</sup> (one week after our sentencing submission is due), to make any submission on forfeiture. Additionally, we oppose the Government's suggestion that the defendants be required to submit "declarations" on the issue of forfeiture. While defendants may choose to do so, such declarations are not mandated by any statute or rule, and it goes without saying that it is the Government who has the burden of proof

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as to forfeiture. Accordingly, any such “declarations” should be discretionary only on the part of the defense.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Larry H. Krantz", with a long horizontal stroke extending to the right.

Larry H. Krantz

cc: All Counsel (By ECF)